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| 09/492,288      | 01/27/2000  | Kenji Yoshioka       | 0102/0097           | 9693             |

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EXAMINER

NGUYEN, DAVID Q

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2681

DATE MAILED: 07/29/2004

27

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/492,288

Applicant(s)

YOSHIOKA ET AL.

Examiner

David Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-4,8-10,12-17,19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) 2-4,8,22 and 23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 9-10,12,15-17,19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 9-10,12-17,19 and 21 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timm et al. (US Patent number 5890061) in view of Sato et al. (JP409307988A).

Regarding claim 9, Timm et al teach in a vehicle including an audio system, a method of reporting an emergency comprises the steps of allowing hands-free speech communication with an emergency report receiving center via a microphone and a loudspeaker; and using a loudspeaker of the audio system as the hands-free speech communication speaker (see abstract; col. 3; lines 9-15; and fig. 5). Timm are silent to disclose that in case where the loudspeaker of the audio system is wrong, replacing the loudspeaker of the audio system with another loudspeaker of the audio system and thereby using another loudspeaker of the audio system as the handsfree speech communication loudspeaker. However, Sato et al disclose detecting loudspeaker of the audio system is wrong (see abstract). It is inherent that after a defective

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speaker is identified, in order to avoid losing communication with the emergency report receiving center, operator of the vehicle have to replace the loudspeaker of the audio system with another loudspeaker of the audio system and thereby using another loudspeaker of the audio system as the handsfree speech communication loudspeaker. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Sato et al to Timm so that user can avoid the case of miss hearing.

Regarding claim 16, the method of emergency reporting vehicle of Timm in view of Sato et al comprising all of the limitation as claimed. The method also discloses the steps of detecting an impedance of the loudspeaker of the audio system, replacing the loudspeaker of the audio system with another loudspeaker of the audio system when the loudspeaker is wrong (see abstract of Sato).

Regarding claim 21, Timm et al teaches an emergency reporting apparatus for a vehicle having an audio system including a plurality of loudspeakers comprising: a microphone; a hands-free system circuit; a communication device (see abstract; col. 3; lines 9-15; and fig. 5); and a processor operates to implement hands-free two-way speech communication with an emergency report receiving center via the microphone, the hands-free system circuit; the communication device. Timm et al are silent to disclose at least one selected loudspeaker from among the plurality of loudspeakers of the audio system of the vehicle having determined to be operational. However, Sato et al disclose Sato et al disclose detecting loudspeaker of the audio system is wrong (see abstract). It is inherent that at least one selected loudspeaker from among the plurality of loudspeakers of the audio system of the vehicle having determined to be operational. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention

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was made to provide the above teaching of Sato et al to Timm so that user can avoid the case of miss hearing.

3. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Timm et al. (US Patent number 5890061) in view of Sato et al. (JP409307988A) and further in view of Easley et al (US Patent Number 5361305).

Regarding claim 10, the method of emergency reporting vehicle of Timm in view of Sato et al comprising all of the limitation as claimed. The method does not comprise one of an audio system loudspeakers located in a right front door, a right rear door, a left front door, a left rear door. However, Easley discloses one of an audio system loudspeakers located in a right front door, a right rear door, a left front door, and a left rear door (see fig. 1). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Eastley to the method of Timm in view of Sato so that user can avoid the case of miss hearing.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Sato et al. (JP409307988A) and further in view of Easley et al (US Patent Number 5361305) and still further in view of Dawson et al. (US Patent number 4683591)

Regarding claim 12, the method of emergency reporting vehicle of Timm in view of Sato and further in view of Easley et al comprising all of the limitation as claimed. The method does not comprise the replacing step comprising the step of replacing the loudspeaker of the audio system with another loudspeaker of the audio system in response to user's manual operation. However, Dawson teach that audio system comprising switch for switching speaker to another

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speaker in audio system, and means for selecting speakers (see fig. 3 and col. 12, lines 20-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Dawson to the method in order for avoiding losing communication between user and the emergency report center during emergency reporting.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Sato et al. (JP409307988A) and further in view of Hamada et al. (US Patent number 5295192).

Regarding claim 15, the method of emergency reporting vehicle of Timm in view of Sato et al comprising all of the limitation as claimed. The method does not comprise detecting a level sound generated by the loudspeaker of the audio system, and replacing the loudspeaker of the audio system with another loudspeaker of the audio system in response to the detected sound level. However, Hamada disclose an electronic noise attenuation method comprising a sensor to detect a level sound generated by the loudspeaker (see col. 1, line 30-40). It is apparent that a sensor to detect a level sound generated by the loudspeaker of Hamada can be applied to the Applicant's sensor as claimed, and user can replace the loudspeaker with another one in response to the detected sound level. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Hamada to the method of Timm in view of Easley in order for avoiding the noise during communication between user and the emergency report center.

7. Claims 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timm et al. (US Patent number 5890061) in view of Okano et al. (JP40427690A).

Regarding claim 17, Timm et al teach an emergency reporting apparatus for a vehicle including an audio system comprising: a microphone; a loudspeaker; a hands-free system circuit (see abstract; col. 3; lines 9-15; and fig. 5); and a means for allowing hands-free two-way speech communication with an emergency report receiving center via the microphone, the loudspeaker, and the hands-free system circuit; wherein the handsfree speech communication loudspeaker uses a loudspeaker of the audio system (see abstract and fig. 1). Timm et al are silent to disclose means for automatically selecting one from among a plurality of loudspeakers of the audio system as the handsfree speech communication loudspeaker. However, Okano et al disclose means for automatically selecting one from among a plurality of loudspeakers of the audio system as the handsfree speech communication loudspeaker (see abstract). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Okano et al to Timm so that user can avoid the case of miss hearing.

8. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Timm et al. (US Patent number 5890061) in view of Okano et al. (JP40427690A) and further in view of Dawson et al. (US Patent number 4683591)

Regarding claim 19, the method of emergency reporting vehicle of Timm in view of Okano et al. does not comprise a unit manually operable by a user, and means for selecting one from among loudspeakers of the audio system as the handsfree speech communication loudspeaker in response to manual operation to the unit by the user. However, Dawson teach that

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audio system comprising switch for switching speaker to another speaker in audio system, and means for selecting speakers (see fig. 3 and col. 12, lines 20-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Dawson to the method in order for avoiding losing communication between user and the emergency report center during emergency reporting.

***Allowable Subject Matter***

9. Claims 13-14 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 13, Timm et al teaches in a vehicle including an audio system, a method of reporting an emergency comprising the steps of: allowing hands-free speech communication with an emergency report receiving center via a microphone and a loudspeaker; and using a loudspeaker of the audio system as the hands-free speech communication speaker (see abstract; col. 3; lines 9-15; and fig. 5). Timm are silent to disclose that in case where the loudspeaker of the audio system is wrong, replacing the loudspeaker of the audio system with another loudspeaker of the audio system and thereby using another loudspeaker of the audio system as the handsfree speech communication loudspeaker; wherein the replacing step comprises the step of replacing the loudspeaker of the audio system with another loudspeaker of the audio system in response to a loudspeaker change requirement signal transmitted from the emergency report receiving center.

Claims 14 depends on claim 13. Therefore, it is allowed.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*DN*  
David Nguyen

*[Signature]*  
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